

REMARKS

Claims 1-28, all the claims pending in the application, stand rejected. Claims 2-8, 10-13, 20, 22, 23, 25, 26 and 28 are amended. Claims 14-19, 24 and 27 are canceled without prejudice or disclaimer.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5-19 and 23-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stumm (5,768,528). This rejection is traversed for at least the following reasons.

The Invention

As disclosed in several embodiments the basic principles of the present invention include:

(1) the provision to users at remote client locations with information (in the form of a program table) from a central server concerning the availability of data contents (programs and the like) and the time when such data contents may be provided over the Internet or updated, so that timely access may be obtained and repeated access may be avoided;

(2) the provision of data contents from the central server upon request of a client;

(3) the control at a central server of the time at which data contents are to be provided to requesting clients, on the basis of the local time at the location of the client;

(4) the acquisition of information regarding the number of accesses or characteristics of users for a variety of business purposes, such as advertising; and

(5) the use of an intermediary server for coordinating and relaying requests from plural client devices.

Accordingly, the invention, as illustrated in Fig. 1, concerns a network having a server 1 with a communications processor 15 that enables a plurality of sections, including a content provider 12, request processor 13 and program cable provider 14 to function in an Internet environment 3. One or more clients 2 are in communication with the server via the Internet 3, and each includes a communications processor 24 that permits received information to be displayed 21 and originating information to be input 22 and transmitted. A reservation

management section 23, as disclosed at pages 19 and 26, manages the reservation for transmission of contents, on the basis of a previously transmitted program table. The reservation management section 23 monitors whether a current time coincides with a transmission time of reserved contents. Upon coincidence, the client sends a request for transmission of the desired data contents to the server device 1 via the communications processor 24.

In a first embodiment, the server device 1 will respond to the request and immediately send the requested data contents. In a second embodiment, the server device 1 will store a time difference between each client 2 and the server, and will adjust the transmission time accordingly, as noted at pages 30-31 in accordance with the illustration in Fig. 7. When the server sends the data content under either embodiment, the communications processor 24 at the client will receive the transmitted data contents. The data (or the program table) that is received from the server 1 may be displayed by the display section 21.

A key feature of the present invention involves the time adjusted delivery of requested information based on time differences stored at the server. This feature is disclosed with regard to the adjustment of times at the server to reflect changes in area, as explained at page 30. There, the client device is in an area where there is a difference in time between the location of the client and the location of the server device, the request processor 13 in the server can contain a time zone table, as shown in Fig. 7. In such case, the request processor 13 at the server can determine in which area the client device is located and can adjust the present time in the server device in accordance with the time difference, so that a transmission occurs at a desired time that is local to the client. The management of time zones is achieved in the server device 1 such that only one program table needs to be provided to the client device 2.

Stumm

As illustrated in Fig. 1, a server 20 is coupled via the Internet 22 to a plurality of clients (subscribers 26) and a plurality of publishers 24. The subscriber system 40, as illustrated in Fig. 2, includes a communication manager 46 and scheduler 44, as well as a view manager 48, all of which are coupled to a processor 42. The scheduler 44 is coupled to a schedule table 60, as illustrated in Fig. 3. Given this environment, as summarized in the Abstract, the server system

can provide information from the publishers to a plurality of subscribers according to a subscriber-request-based communication method via the Internet.

In the Stumm system, time sensitive information such as newspapers, magazines or software files may reside in the database server 20. The data base server 20 also maintains a schedule of events (in the nature of a program table) that relates to predetermined downloading schedules to subscribers of the database server. The Stumm system is operative to send a schedule of events file from the server to individual subscribers so that the subscribers may request information downloads at a predetermined time. The client must issue a request before data is sent. In response to such requests, the server will transmit requesting subscribers predetermined data files, as authorized by the publishers, including a file name and identification code.

A key feature of the Stumm system is that all requests for information must be originated at the subscriber 26, and the subscriber keeps track of the time when the request is sent. There appears to be no teaching in Stumm that the server acts to delay a response to a request made by a subscriber, based on time difference data kept at the server. Indeed, the focus of Stumm is in having information transmissions take place immediately upon subscriber request, with the time of request being controlled at the client on the basis of is emphasized by several features of the disclosed system.

At col. 2, lines 18-31, it is again emphasized that the subscriber must transmit information request to the server system when the event is launched at its scheduled time. Then, the group of files corresponding to a publisher may be received from the server system by the subscriber. In fact, the scheduler 44 that forms a part of the subscriber software system 40 (Fig. 2) uses the schedule of events received from the server, as well as a time zone adjustment factor, as described at col. 5, line 62 - col. 6, line 12, as placing in subscriber control the timing of for any request that is transmitted by the subscriber to the server. As explained with regard to Fig. 4, which illustrates the operation of the scheduler system at the subscriber, the scheduler monitors the schedule event file 90 and under appropriate circumstances launches a next task at step 94 (col. 6, lines 19-65). One of the events that is launched by scheduler 44 is a communication

connector to the server system 20 in order to download data files that are provided by the publishers and intended for subscribers.

The Rejection

The invention as set forth in the rejected claims is distinguishable over the prior art for several reasons. Since the rejection is based upon anticipation under 35 USC 102, the standards for such rejection must be kept foremost in mind. For anticipation the law requires that a single reference teach every element set forth in a rejected claim. It is fundamental to any rejection of anticipated that:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”
Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

This basic principle must be followed by the Examiner in rejecting claims, as prescribed by MPEP § 2131.

Further, to the extent that the rejected claims use “means plus function” language, the Examiner must follow the USPTO Guidelines (see MPEP 2181) for interpretation of such limitations in framing a rejection. Specifically, the cited art must have a structure that is identical to the disclosed structure in the application, which corresponds to the particular means limitation, or its structural equivalent. The function must be identical for anticipation. Clearly, on the basis of these basic requirements, the rejection is improper and should be withdrawn.

Claims 1 and 9

Independent claim 1 is directed to an information server system which includes a server device and at least one client device. The function stated in the claim relates to a management of classification of information and transmission times for the information from the server to the client. As to claim 1, the Examiner asserts that the “schedule management means” is disclosed in Stumm at column 4 lines 53 to 65. However, the scheduler disclosed at column 4 lines 53 to 65, which is asserted by the Examiner to be identical to or an equivalent of the “schedule management means of the present invention, is possessed by a client. To the contrary, according

to the present invention, the structure in the present application that corresponds to the claimed “schedule management means” is possessed by the server device.

Thus, given the tests under the Guidelines, the corresponding structure clearly is not identical, as one relates to a server and the other relates to a client. Moreover, the two structure are not equivalent, as the operation from a client side has significantly different operational features and considerations than an operation from a server side. The differences in efficiency and effectiveness would be clear to one skilled in the art.

Where the server device possesses the “schedule management means,” the server device itself, which is to provide contents, can manage the schedule (of distribution). Because of this, there is no need of the client device to frequently access the server device. As understood by one skilled in the art, this feature is valuable because it prevents overload of the system. Furthermore, this arrangement avoids a conflict or contradiction between the distributable contents and the schedule.

On the basis of these differences, both the individual element and overall information server system of claim 1 differ from the client oriented system of Stumm. Accordingly, Applicant respectfully submits that the information server system of claim 1 has novelty and non-obviousness over the client-oriented system of Stumm.

For the same reason as described above, Applicant respectfully submits that claim 9 has novelty and is not obviousness from the teachings of Stumm.

Claims 2-8, 10-13, 20, 22, 23, 25, 26, and 28

Claim 2 specifically concerns managing the relevance between information representing areas in time zones of respective areas. One feature of the information server system of claim 2 is the “area determination means” for determining in which area the client device having sent a request for transmission of information exists. The area determination means corresponds to request processor 13, on the basis of the disclosure at page 31, and the function is expressly the “determining in which area...at least one client device...exists.” The result of that function is illustrated in Fig. 7.

The examiner asserts that the claimed “area determination means” is disclosed in Stumm,

but does not point to any particular structure that corresponds to this limitation. Moreover, the Examiner does not identify the precise function in Stumm. Indeed, Stumm only discloses that the client sends its local time to the server and the server sends an offset value between the received local time of the client and the local time of the server to the client. In the absence of the corresponding structure or identical function, Stumm cannot disclose the area determination means recited in claim 2, since there is no determination of an area in which the client device exists, nor any information sent related to such area of the client device in the reference.

An example of the import of the claimed feature in claim 2 can emphasize this deficiency in Stumm. Consider a case where a client in Japan is in daytime and a client in the U.S. is in nighttime, and communication is desired from the server to both clients. Based on a determination at the server of the area in which a communicating client exists, the server device according to the claimed invention can provide certain information suitable for the daytime to the client in Japan and certain other information suitable for the nighttime to the client in the U.S. By contrast, according to the client-server system of Stumm, the client in Japan and the client in the US can only be provided with the same information, as long as these clients send an information request to the server (publisher) at the same instant. Thus, in the above case, the present invention can effectively discriminate between clients based on geographical area, while Stumm cannot offer such discrimination. Clearly on the basis of this difference in a key element of the invention, the information server system of claim 2 and the client server system of Stumm are different.

On the basis of the foregoing distinction, Applicant respectfully submits that the information server system of claim 2 has novelty and is not obvious in view of the Stumm system.

For the same reason as described above, Applicants respectfully submit that **claim 10** has novelty and non-obviousness.

Claims 3 to 5 are made dependent upon independent claim 2, and **claims 11 and 12** are made dependent on independent claim 10. These claims should be patentable for the reasons given for their parent claims.

Claims 6 to 8, 13, 20, 22, 23, 25, and 28 are amended to incorporate limitations related

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to the consideration of an area from which a transmission is made, in much the same way as recited in claim 2. In this regard, independent **claim 6** requires "an area determinator" that determines an area in which a device exists, coupled with an "information provider" that selects classified information corresponding to a present time in a time zone of the area determined by the area determinator. Independent **claim 7** is directed to a method involving managing relevance "between information representing areas and time zones of the respective areas" coupled with a step of "selecting" in a server device classified information that corresponds to a "present time in a time zone of the area in which said...client device...exists." **Claim 8** requires "managing" relevance between information representing areas and time zones of the respective areas, coupled with "sending classified information" that corresponds to "a present time in a time zone of the area in an information requester..." Also in claim 8, "provider" is changed to "requester".

Claim 4 depends from claim 2 and has been further amended to distinguish the "schedule management means" of the server device and "schedule management means" of the intermediate device. In addition to the distinctions with respect to claim 2, Stumm does not teach the use of two such management means.

Claim 26 is amended to be a program data signal claim, with limitations corresponding to claim 10.

In sum, none of the features related to schedule management or area determination are found in Stumm, which has no area related activity.

Claims 14 to 19, 24, and 27 are canceled without prejudice or disclaimer.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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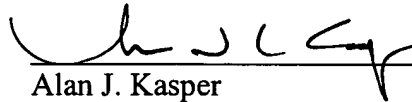
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